

OGC 78-1502
10 March 1978

OGC Has Reviewed

MEMORANDUM FOR : Executive Officer, DDA

STATINTL FROM :
Assistant General Counsel

STATINTL SUBJECT : Monitoring or Recording of Telephone
Conversations

STAT 1. You have asked whether the definition of "electronic surveillance" in section 4-203 of the recently-issued E. O. 12036, which excludes electronic acquisition of nonpublic communications where one party has consented, makes it unnecessary to reissue which prohibits monitoring or recording telephone conversations without the express consent of all parties or approval of the DCI or DDCI.

STATINTL 2. represents a policy, not a legal, issue. The definition of "electronic surveillance" in section 5(a)(3) of E. O. 11905, which was in effect when was issued by DDCI Knoche, was substantially the same as that in section 4-203 in this regard. The Agency's adoption of this policy followed the announcement of similar policies at the Departments of State and Defense. I have been advised by representatives at State and Defense that these organizations continue to maintain this policy which has been announced in a more or less permanent fashion at each of those Departments.

3. I would suggest that the determination as to whether this policy should be renewed and continued is a proper matter for presentation to, and determination by, the current DDCI, Mr. Carlucci. At the same time, it could be more clear that this policy applies to calls between staff employees and other persons employed in Agency facilities in the ordinary course of Agency business, and between such persons and persons from outside the Agency. Operational monitoring or recording is, of course, governed by the terms of E. O. 12036 and applicable Attorney General procedures.

STATINTL



STAT

Approved For Release 2002/08/28 : CIA-RDP80-00473A000200020025-5

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DD/A Registry
File

STAT

STATINTL

[] Monitoring or Recording of Telephone Conversations

[]
Executive Officer/DDA

DD/A 78-0968

8 March 1978

Office of General
Counsel

Ref notice expires 1 April
1978. In view of the current
E.O. 12036 Section 4-203
do you feel it is necessary
to reissue this notice.

STATINTL

[]

Att: Copy of [] STATINTL

Distribution:

Orig RS - OGC w/att
✓ RS - Subject w/att
RS - DDA Chrono w/o a
RS - RFZ Chrono w/o a1

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This Notice Expires 1 April 1978

STATINTL

MANAGEMENT


8 March 1977

MONITORING OR RECORDING OF
TELEPHONE CONVERSATIONS

No officer or employee of the CIA shall direct, arrange for, permit, or undertake the monitoring or recording of any telephone conversation without the express consent of all persons involved in the conversation. Any deviation from this rule must be approved by the Director of Central Intelligence or the Deputy Director of Central Intelligence. Requests are to be made through the Inspector General.



E. H. Knoche

Acting Director of Central Intelligence

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STATINTL

MANAGEMENT

8 March 1977

MONITORING OR RECORDING OF
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No officer or employee of the CIA shall direct, arrange for, permit, or undertake the monitoring or recording of any telephone conversation ^{in the ordinary course of business} without the express consent of all persons involved in the conversation. Any deviation from this rule must be approved by the Director of Central Intelligence or the Deputy Director of Central Intelligence. Requests are to be made through the Inspector General.


E. H. Knoche
Acting Director of Central Intelligence

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UNCLASSIFIED	CONFIDENTIAL	SECRET
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EXECUTIVE SECRETARIAT

Routing Slip

Executive Registry

77-3285

TO:		ACTION	INFO	DATE	INITIAL
1	DCI				
2	DDCI				
3	D/DCI/IC				
4	DDS&T				
5	DDI				
6	DDA		✓		
7	DDO				
8	D/DCI/NI				
9	GC		✓		
10	LC				
11	IG	✓			
12	Compt				
13	D/Pers				
14	D/S				
15	DTR				
16	Asst/DCI		✓		
17	AO/DCI				
18	C/IPS				
19	DCI/SS				
20	D/EEO				
21					
22					
SUSPENSE		10 Feb. Date			

Remarks:

ADCI asks that you prepare guidelines for his insurance. Please coordinate w/DDA & GC.



STATINTL

STATINTL



Department Notice

January 24, 1977

TO ALL EMPLOYEES
STATE, AID, USIA, ACDA

Monitoring or Recording of Conversations

Secretary Vance has issued the following instructions:

No officer or employee of the State Department or the Foreign Service shall direct, arrange for, permit, or undertake the monitoring or mechanical or electronic recording of any conversation, including any telephone conversation, without the express consent of all persons involved in the conversation. Any deviation from this rule must be approved in advance by me or my Deputy.

This Notice is intended for
3 employees. Please read
and pass on, thank you.

STATINTL

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MANAGEMENT

47

47. MONITORING OR RECORDING OF TELEPHONE CONVERSATIONS

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48-50. Reserved.

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This Notice Expires 1 April 1978

STATINTL

MANAGEMENT

8 March 1977

MONITORING OR RECORDING OF
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E. H. Knoche

Acting Director of Central Intelligence

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DD/A Registry
File Commo-4

Director of Personnel
Room 5E-58
Headquarters

Fred:

It is okay with me if you want to
appeal the attached "Exception to Ban on
Monitoring and/or recording Telephone
Conversations for the Director of Personnel"
of 8 March 1977.

Att: DDA 77-1351

(S/der)
John F. Blake

STAT

DD/Administration 7D24



3/14/77

DDA 77-1351 - Memo to DDA fr IG, dtd 10 March 1977; Subject:
Monitoring or Recording of Telephone Conversations

Orig RS - D/OP w/att

1 RS - DDA Subject w/att

1 RS - DDA Chrono w/o att

1 RS - JFB Chrono w/o att

DDA:JFBlake:der (14 March 1977)

STAT

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